

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 09 JAN 2006

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Applicant's or agent's file reference P443B/PCT	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/AU2004/001191	International filing date (day/month/year) 3 September 2004	Priority date (day/month/year) 3 September 2003	
International Patent Classification (IPC) or national classification and IPC			
Int. Cl.	<i>E04C 2/26 (2006.01)</i>	<i>E06B 3/22 (2006.01)</i>	<i>E06B 3/677 (2006.01)</i>
	<i>E04C 2/34 (2006.01)</i>	<i>E06B 3/263 (2006.01)</i>	<i>F25D 21/04 (2006.01)</i>
	<i>E04C 2/54 (2006.01)</i>	<i>E06B 3/66 (2006.01)</i>	<i>F25D 23/02 (2006.01)</i>
Applicant MCKINLAY, Ross Campbell et al			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. (*sent to the applicant and to the International Bureau*) a total of 16 sheets, as follows:

sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/> Box No. I	Basis of the report
<input type="checkbox"/> Box No. II	Priority
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI	Certain documents cited
<input type="checkbox"/> Box No. VII	Certain defects in the international application
<input type="checkbox"/> Box No. VIII	Certain observations on the international application

Date of submission of the demand 3 April 2005	Date of completion of this report 03 January 2006
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer JOHN HO Telephone No. (02) 6283 2329

Box No. I Basis of the report

1. With regard to the language, this report is based on:

The international application in the language in which it was filed

A translation of the international application into _____, which is the language of a translation furnished for the purposes of:

- international search (under Rules 12.3(a) and 23.1 (b))
- publication of the international application (under Rule 12.4(a))
- international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished

 the description:

pages as originally filed/furnished

pages* 1-13 received by this Authority on 28 December 2005 with the letter of 22 December 2005

pages* received by this Authority on with the letter of

 the claims:

pages as originally filed/furnished

pages* as amended (together with any statement) under Article 19

pages* 14-16 received by this Authority on 28 December 2005 with the letter of 22 December 2005

pages* received by this Authority on with the letter of

 the drawings:

pages 1/8-8/8 as originally filed/furnished

pages* received by this Authority on with the letter of

pages* received by this Authority on with the letter of

 a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.3. The amendments have resulted in the cancellation of:

- the description, pages
- the claims, Nos.
- the drawings, sheets/figs
- the sequence listing (*specify*):
- any table(s) related to the sequence listing (*specify*):

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages
- the claims, Nos.
- the drawings, sheets/figs
- the sequence listing (*specify*):
- any table(s) related to the sequence listing (*specify*):

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2004/001191

Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims 1-16	YES
	Claims -	NO
Inventive step (IS)	Claims 1-16	YES
	Claims -	NO
Industrial applicability (IA)	Claims 1-16	YES
	Claims -	NO

2. Citations and explanations (Rule 70.7)

The following documents identified in the International Search Report have been considered for the purposes of this report:

D1 – US 6401428
 D2 – US 5111618
 D3 – WO 1993/018266
 D4 – US 6115989
 D5 – CA 2164346
 D8 – US 4004370

NOVELTY (N)

The present invention is directed to a planar insulating panel and a method of constructing a panel comprising of a frame defining the periphery of the panel, a first and second wall retained by the frame and defining an enclosed internal space of the panel, at least one intermediate insulating wall within the space to insulate the first wall from the second wall and wherein the frame comprises an extruded profile having a series of spaced mounting surfaces to receive and retain the walls wherein the mounting surfaces are arranged in a cascading series such that the areas of the walls diminish sequentially in one direction from one side of the panel to the other and walls are sequentially spaced apart from each other.

None of the prior art identified above recite these combination of features. The closest art, D1, fails to disclose mounting surfaces to receive and retain walls which are arranged in a cascading series such that the areas of the walls diminish sequentially in one direction from one side of the panel to the other.

Therefore the subject matter of these claims is new and meets the requirements of Article 33(2) PCT with regard to novelty.

INVENTIVE STEP (IS)

The claims also meet the criteria set out in PCT Article 33(3) with regard to the requirement of Inventive Step because the prior art does not obviously suggest to a person skilled in the art the use of a cascading mounting surfaces arranged in the manner described above.

INDUSTRIAL APPLICABILITY (IA)

The claims are related to products capable of commercial application.